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## PRESENT PROBLEMS OF LAW-BOOK PUBLISHERS

*Burdett A. Rich, Lawyers Co-operative Publishing Company*

(Read at Swampscott, Mass., June, 1921)

The invitation to address this Convention about the problems of law-book publishers was something of a surprise, because it had never before occurred to me that this subject would be of any interest to anybody except the publishers themselves. However, a little reflection shows that law publishers have been a factor of no small importance in the development of the law of this country, especially in the last half century. To a large extent the publication and circulation of law books in America have been left to the initiative of private individuals or corporations, who engage in this business as a commercial enterprise in the same way that all other lines of business are carried on to supply the needs of the public. The state and national governments have only to a very limited extent undertaken to supply the law in any form to the legal profession. As a rule, lawyers must buy their statutes, their judicial reports, their textbooks, and other treatises and compilations of the law from law-book publishers.

Even in those cases where the government has published the laws at public expense, the distribution of them has not been efficient. The sale of such pub-

lications, even when sold at half their cost, is comparatively small, because the government does not have the necessary organization or machinery for getting them into the hands of the people who need them. It is only when law publishing is carried on by private enterprise, with business methods, that it can successfully accomplish the purpose of making the law sufficiently accessible and widely known. Librarians may have some experience to support that statement, in trying to get prompt delivery of state reports from states in which they are published and distributed under state control. Years ago, when the Interstate Commerce Reports were published by private enterprise, a reasonably large circulation was secured; but when, by a change of policy, the government took the publication of these reports into its own hands, the circulation of them dwindled into comparative insignificance. Government publications of various kinds at nominal prices or no price at all, sometimes made at very great expense, are often to a large extent wasted in their distribution. Agricultural reports have been often, if not generally, used as favors, to be sent with the compliments of a Congressman where they would be most effectively used for the cultivation of the recipient's political goodwill toward the sender. It is much the same with the distribution of many costly illustrated reports of some game commissions, fish commission, or other similar volumes printed at public expense. Many really valuable works of this kind go where they will do the most good to the official by whose favor they are sent.

How worthily the law publishers have met the needs of the legal profession, the courts, and of the nation in these matters is a question on which opinions might not agree. Ideal service is not to be expected in such a field, in which any person is at liberty to engage at will; but, allowing for all the failures and imperfections with which the publishers may have been charged, it cannot be denied that through their service the knowledge of the laws of this country has become very widely diffused and made easily accessible to laymen as well as lawyers everywhere, to an extent rarely if ever equaled in any other country. The importance of this in a republic needs no comment. We begin to see very quickly the magnitude of the undertaking, when we remember that the Federal government and each of the forty-eight state governments has its own independent body of statutory and judicial law.

The desirability of uniformity in the law of all these jurisdictions is at once obvious, and perhaps few people realize how much the law publishers have done toward securing it. In the earlier days of our history few lawyers in any state had easy access to the law of other states. The reports of state courts were not extensively sold in other states. Even the United States Supreme Court reports were owned by surprisingly few lawyers. Some of those reports were out of print, and could only be obtained second hand. Lack of harmony between the decisions of different jurisdictions was a natural result. Long before the lawyers of the nation began their organized effort to secure uniformity of legislation, the tendency to uniformity in judicial decisions had begun to be powerfully stimulated by the extensive circulation of some of the large and ambitious law publications of national scope. These began soon after the end of the Civil War had established the permanence of the United States as an undivided nation. In 1882 the new edition known as the "Lawyers' Edition of the United States Supreme Court Reports" was started. By its widespread sale the knowledge and use of these

decisions by the lawyers in all the states were literally multiplied, and their influence on the jurisprudence of this country was correspondingly increased. But a few years before that, in 1871, the first volume of the American Reports was issued, and within seven or eight years afterward both the American Decisions and the American and English Encyclopedia of Law were started. In the years following these have appeared the other well-known comprehensive treatises, encyclopedias, annotated reports, digests, the National Reporter System, and kindred compilations of a national scope, which have made the judges and lawyers in every state of the Union familiar with the decisions of every jurisdiction, and thereby inevitably exerted a powerful influence for harmony among the courts of the nation.

One of the most important problems of a publisher of law books is that of getting the right books to publish. Permanent success depends on the excellence of his publications. He ventures on each new publication at his peril. No matter how excellent a publication may be, it may prove disastrous to the publisher unless he can make a sufficient sale of it to prevent loss. To find out in advance as far as possible what books are demanded is obviously desirable, yet all the information that can be obtained will probably be merely suggestive, but by no means conclusive, and the publisher must in the last resort make the venture at his own risk.

A marked change in scope, magnitude, and methods has taken place in modern times in the law-publishing business. The business is now much more national than local. The range of sales is largely interstate, and the books published are to a great extent national in scope, embracing all jurisdictions, both state and Federal. As a necessary result, the policies and methods of the larger publishers have been well-nigh revolutionized. In earlier days the books they published were, for the most part, written by practicing lawyers, during such time as they could spare from their practice. The work was done frequently on the author's own initiative, but sometimes on the solicitation of a publisher, and the manuscript was either sold to him outright, or else the author was compensated by royalty on the sales, by which plan he took a share of the risks of publication. But the large law-book enterprises of later days, such as the series of annotated reports, the Century Digest system, and the various encyclopedic treatises, require a large expense, continuing for an extended period of time, and could not possibly be made by any one author. If such works are to be published at all, it can only be done by the services of an organized corps of experienced writers.

To build up an organization of writers such as some of the leading publishers need is in itself no small problem. It must be made up of men specially trained for that purpose, and their services must be entirely devoted to that work. It takes time and expense to get the training and experience required, and if an experienced man is lost from the organization, it is probable that his place cannot be filled satisfactorily without the delay and expense of training a successor. That is the reason why, in the organization with which I am most familiar, the positions are permanent. The newest member of it has already been on the staff nearly four years, and the next has been there nearly nine years, all the others, more than ten years. The average period is obviously more than that. With a corps of men engaged on a large work, there must be no incompetent among

them, else his work might bring condemnation on the whole. An able lawyer might write an admirable textbook without previous experience, and yet be comparatively helpless in the preparation of a very large work in which many thousands of cases had to be investigated, analyzed, and marshaled in consistent and lucid order, with their harmonies, divergences, and general result clearly and accurately presented. For such work good legal ability without special training and experience is insufficient. For instance, exceptional training of the memory is necessary. Inconsistencies and often real conflicts may appear in his statements, not because he is unable to understand their disagreement, but because he failed to remember, in dealing with the cases at one point, what he had done with similar cases at the other point. His memory, in dealing with the multitude of cases, must be akin to that of the conductor of a long train, who, as he goes through the cars, notices every face that he had not seen there before; or like an old-time waiter at the entrance of a great hotel dining room, who could take the hats of a thousand people, as they went in, and infallibly return to each person his own hat when he came out. Such things require a trained memory.

A man who begins the work of legal authorship after he has reached middle age is seriously handicapped in these particulars; especially in the capacity of his memory to acquire and hold a familiarity with the multitude of details of various kinds which he must constantly keep in mind. Men do not often become experts in any line unless they begin in it while comparatively young, before minds or bodies have lost any of their flexibility and ready adaptability to new tasks. Even the traditional idea of the judicial office as a place for men of advanced age and experience may not be entirely beyond question. Some, at least, of the very great judges have gone upon the Bench at an early age. We may remember that neither Judge Cooley nor Chancellor Kent ever had as much practice at the Bar before they took their seat upon the Bench as many a young man has in these days during the first two years of his practice. Starting with well-trained minds and judicial temper, the period of their maximum energy and eagerness for achievement was spent in the judicial office. If the first half of their mature life had passed before they went on the Bench, we may have very great doubt if they would ever have reached their high rank among the judges of the nation. At any rate, it is certainly true that, in the special field of legal authorship and compilation, one who is to devote himself to it steadily for a period of years is far more likely to achieve a high degree of success if he enters the field while his mind is still alert, eager, and not afraid of intellectual work.

It is of much interest in this connection to learn that in one or two countries, at least, judges are educated specially for that office, and not chosen from the ranks of practicing lawyers.

The attitude of law writers toward the judges whose decisions they review is a matter that requires good sense and discretion. One who should assume a dogmatic tone in discussing a decision that he disapproved would only belittle himself and discredit his work. The dignity of the court must be respected with unflinching courtesy. But it is the business of a law writer to give every case he is to deal with a fair, frank, and intelligent consideration, in the light of precedents and underlying principles. His personal opinion regarding the decision may be of no value; but if, in the marshaling of all the authorities, he can demonstrate con-



clusively the correctness or incorrectness of the decision, he performs a valuable service. This, in fact, is his chief function. That is to bring the decision reviewed to the test of established precedents and principles, as well as to show the distinctions, exceptions, agreements and disagreements that may exist among the decisions on the same question. One may have very interesting experiences in matters of this kind. An erroneous doctrine may, by painstaking and thorough investigation, be proved to have no foundation,—often after it has had current acceptance for many years. A peculiar illustration of that was in the doctrine often laid down by textbooks and quoted with apparent approval by the judges to the effect that a servant had no personal liability to a third person who might be injured by his negligence. After having been generally accepted for a great many years by text writers and others, a careful examination showed that the sole foundation for it was a dictum in a dissenting opinion in an old English report. In that case the dissenter was the only one who wrote an opinion. This evidently had been supposed to be the opinion of the court, and the dictum of the dissenting judge had been taken as a decision, though the case did not involve any question of a servant's liability, but was one as to the liability of a public officer. In these later years that erroneous doctrine is apparently forgotten.

But the highest tribute that can be paid to this kind of work by an annotator is furnished when the court whose decision is thus shown to be erroneous proceeds to overrule it when the opportunity arises. This has been done repeatedly. A decision of an intermediate court, a considerable time ago, held that the assignee of a bill of lading with draft attached, who collected the draft, was liable for the return of the money if the contract under which the bill of lading was given had not been complied with. A little later the Supreme Court in another state cited and followed that decision, and this case was in turn followed in several other states before the progress of the erroneous doctrine was checked. It was checked, however, by an annotation on the first decision of a court of last resort, which conclusively showed that the decision was in conflict with the established principles respecting commercial paper in the hands of a bona fide holder.

As a result that case was subsequently overruled, not only in that but in the other states that had accepted the erroneous doctrine. An annotation which accomplishes a result like that performs a very real public service. While such instances are exceptional, they have occurred again and again; but of course no annotation can perform any such service except as the writer conclusively establishes the correct doctrine by the marshaling of authorities that cannot be denied.

The personality of the writer is not a factor in such matters. In rare instances a slight touch may be permitted, as when the annotator, discussing a rule which seemed to have come down through several generations of judges who could see no reason for it, but had all continued to follow it because of unbroken precedent, said: "But though the conditions which permitted the invention of this rule of construction have passed away, the rule still remains,—one of the calf paths of the law, from which no court has as yet ventured to stray." One judge was said to have been displeased at this, but others certainly took it with much glee.

A law publisher may, for the purposes of the business, accumulate some special equipment or plant which he cannot undertake to incorporate into a pub-

lication for sale. For instance, the Lawyers Co-operative Publishing Company has, during the last quarter of a century, accumulated what it calls a Citation Plant, containing in card index form a condensed judicial history of every decision of every officially reported case of the higher courts of this country; so far as that can be shown by stating where the case has been subsequently discussed or in any way referred to in any later officially reported decision in any of such courts. The exact number of the cases contained in this plant cannot be precisely stated, but it approximates a million and a half. Some of these cases have been cited a great many times,—in rare instances, running up toward two hundred. Some cases have not been cited at all. On the average the cases have been cited probably from six to ten times each. The total cost of this plant, up to the present time, is not far from \$100,000; and the cost of keeping it up is several thousand dollars a year. Now, the publisher uses this plant largely as a kind of reservoir of information. It is too vast to use like ordinary sources in searching for authorities, but is often of great value in supplementing other sources of authority. Sometimes, when there is an authority on a peculiar point that is very difficult to classify, and cannot be found with certainty in textbooks, digests, etc., one or more citations to the case may be found in this plant, which give very valuable additional authority. Aside from the use which the publisher makes of it in its work, it gives to the American Law Reports subscribers the free use of this information. On request for citations of any particular case, a list of the citations to it is sent to a subscriber without charge. This service can give only a list of the citations of a case, without showing the particular point to which each of the citations may be made. The editorial cost of adding that information to the plant would be so great as to make it impossible.

The reasonableness of law-book prices is not a matter on which seller and purchaser are sure to agree, but it may be worth while to notice some of the factors affecting that problem. The most obvious of these expenses are for the intellectual work in producing the manuscript and preparing it for the printer, the setting of the type, the proofreading, the paper, the presswork, and the binding; but, as in every business, a material factor is the overhead expenses, such as rent for the plant, the use of the required capital, the salaries of managers, accountants, clerks, and employees of every kind, as well as the cost of selling the books and their transportation and delivery, and finally the cost of collections and the losses on uncollectible accounts.

The impression that "a book is a book" seems to prevail with many people when they think somewhat vaguely about the prices. If one book fills the hand about as much as another, it is not infrequently assumed that both ought to cost about the same, although one of them, because of differences in the quality of paper, size of page and kind of type, may have several times as much in it as the other; and again, people may be entirely oblivious of the fact that the manuscript of one of them cost nothing, or very little, while that of the other was large. The manuscript of an ordinary volume of law reports is prepared by the judges who write the opinions, and the official reporter makes the headnotes and indexes, etc., at the expense of the state. The publisher of such reports has nothing to do with the preparation of the manuscript, but merely prints the volume and sells it on such terms as may be provided by a contract with the state or reporter. On the other hand, a volume of annotated reports, like the American

Law Reports, is, with the exception of the opinions of the courts, prepared entirely at the expense of the publisher. As such work requires skillful professional services of the most indefatigable and thorough character, the annotation of a single decision while sometimes very brief and moderate in cost, frequently costs several hundred dollars, and sometimes runs to one or more thousands. Even when there is no precedent exactly in point for the decision to be annotated, the thorough search required to determine that negative but valuable result is somewhat expensive.

The increase in law-book prices as well as in the prices of everything else has been somewhat marked in the last few years. The reasonableness of those increases may be indicated by a few items of the publishers' increased costs. From 1916 to 1920 the increase of editorial and manufacturing expenses was over 19 per cent. The increase in cost of composition and plates, 58 per cent; of press-work, 45 per cent; of paper, 111 per cent; of binding, 47 per cent; of delivery (of small packages), 28 per cent; and of shipping large packages to western points, in some cases as high as 160 per cent.

On the theory that the good old days were better than the present, people may assume that the prices of law books a generation or two ago were much less than at the present time; but that is quite far from true. Data on this matter seemed rather hard to get; but remembering that it was a custom of earlier days to have printed pages of advertisements bound into the book at the front or back, a little skirmishing soon found some instances of this. For instance, such an advertisement was found in several of the law books printed about 1850 or a little later. Among them there was an advertisement of volume 8 of Howard's Reports (U.S.), at \$5.50, and another of volume 8, Cushing's Reports, at \$5.00. 8 How. had 629 pages, and 8 Cush. had 649. Comparing that volume with an average volume of American Law Reports, both in respect to price and to the quantity contained, the result was that the A.L.R. volume cost 40 per cent more than the volume of Howard, and contained more than 250 per cent more matter. A similar comparison between the A.L.R. volume and 8 Cush. showed that the A.L.R. price was 50 per cent higher than that of the Cushing volume, while the increase in quantity was more than 300 per cent.

In comparing the cost of present-day law books with the cost of books of a general character somewhat similar results are shown. For instance, Joseph H. Choate's autobiography, which is fresh in the minds of a great many of us at this time, was published in two volumes, at a cost of \$5 per volume. An A.L.R. volume, compared with one of these volumes, costs 50 per cent more, and has more than 600 per cent more matter. Almost identically the same comparison can be made with the new biography of Whitelaw Reid. Mr. Lansing's book on the Peace Conference costs \$3. A volume of A.L.R., as compared with this, costs 150 per cent more than the Lansing book, and contains more than 800 per cent more matter.

The number of sales that can be made of a book is of vital importance in determining what it ought to cost. Without knowing much about the number of sales that can be made of the books just mentioned, it would doubtless reach a very handsome total. But many works reach an enormous sale. One popular set of books is said to have already had a sale of more than 800,000 sets, and three sets of plates are used for printing it. But, as compared with popular books

of a general character, law books are at the disadvantage of having a restricted sale. A sale of two or three thousand is accounted a good sale for many of them, and is much more than some of them reach. To reach a sale of 10,000 may be a dream of some publishers in exceptional cases, but it can very rarely be anything more than a dream. Yet the prices of law books, with their very restricted possibilities of sale, are exceedingly moderate, as compared with the prices of general books, whose possible sales are vastly greater.

The selling cost of law books is a formidable element of the expense of publication. Experience seems to show that, at least for law books of a general character, which are to be sold in all parts of the country, the sale must be largely made by personal calls on the purchasers. In these days of paralyzing rates by railroads and hotels, the selling cost of books sold by this method is unavoidably large; and you may get some idea of it by figuring up your traveling expenses to this meeting.

The cost of building up a list of subscribers for a large, continuing series of law books, such as the American Law Reports, is so great that such a set could not possibly be published unless the subscribers proved sufficiently satisfied with it to make their subscriptions reasonably permanent. The stability of the subscription list is an indispensable foundation for the enterprise.

Most important law publications of a general character are sold in every state of the Union, to individual lawyers or firms, and in most instances, on some terms of credit. This means a multitude of accounts, the collection of which requires the services of numerous people, and in which there is a certainty of material shrinkage because of accounts not paid. To say this is not to impugn the integrity of the lawyers as a class. It might interest you to know on this point that, when the great fire following the earthquake in San Francisco utterly destroyed the law-book establishment of the Bancroft-Whitney Company, it did not leave them a single scrap of their account books to show that any lawyer owed them anything. They sent out a letter, however, to the leading lawyers of the country with whom they might possibly have had accounts, telling them the facts, and asking each of them if he knew that he owed them anything, to be kind enough to remit the amount. I am not sure of the exact amount they received, but it was surprisingly near the total amount that, according to their best estimate, was outstanding on their books when burned. This stands as a striking demonstration of the honesty of lawyers as a class. Yet, nevertheless, among many thousands of them there will be some who fail to pay either because they do not have the money to pay or who forget it until they find it convenient to pay.



## JOHN HIMES ARNOLD

*Edward B. Adams, Librarian, Harvard Law School*

(Read at Swampscott, Mass., June, 1921)

Asking me to speak this morning about Mr. Arnold, you have given me keen pleasure, and a much valued opportunity to pay some of the debt I owe, a little of the debt we all owe to him. Our profession is today a well recognized branch of human activity with its own organization, even its own periodical. Fifty years ago this was not so; there were librarians, and there was here and there a keeper of law books, but the phrase "law librarian" would have required explanation. Mr. Arnold was a pioneer; I think it is not too much to say that he was *the* pioneer; certainly he was the first real librarian of a law school in this country. Happily he is still here today—the Dean of the profession, the Nestor of law librarians—may we all attain the dignity and authority of his years.

Mr. Langdell became dean of the Harvard Law School in 1870. The law, he thought, was a science, and not a collection of isolated facts. To learn this science, as to learn any other, the student must go to the sources. "The library is to us," said the new Dean, "what the laboratory is to the chemist or physicist and what the museum is to the naturalist." It was a large library for the day, some 10,000 to 15,000 books, but it had no keeper, and had fallen into sad disorder. No one knew just what it had once contained, but every one knew that many of the books were missing. The first need was a permanent librarian. In three years three men were appointed successively, but no one of them lasted long. The new position required initiative, imagination, an indefatigable liking for hard work, and most of all infinite patience. Add to these a boundless devotion to his job, and you have the man who was finally found to fill it.

In 1872 John Himes Arnold, a man of thirty-three, was teaching in a private school in Cambridge. He knew as much about law books, he has told me, as a cow. Very fortunately the new Dean and President Eliot knew *him*, and he was appointed. Thirty years later Harvard conferred an honorary degree upon "the librarian of the Law School, through whose keenness in pursuit (to use Mr. Eliot's words) and skill in buying that library has become the best collection of common law books in existence." "Great collectors of books there have been," wrote one of his colleagues at the Law School in 1913, when Mr. Arnold retired, after more than forty-one years' service, "great collectors of books there have been, from Grolier to Huth and Hoe; but here was a collector who brought together 150,000 books, including an unusual proportion of rarities; who bought with great judgment and skill; who spent at least a quarter of a million dollars on books, the market value of which is now three or four times that amount; who had wonderful skill in finding needed books, however rare; who was thousands of miles distant from his principle sources of supply."

Now how did Mr. Arnold happen to succeed in bringing together this great collection? What were his qualities and his methods? Remember (to use his

own graphic phrase) that in 1872, when he took office, he knew no more about law books than a cow. But he had a real enthusiasm for his work and he set about doggedly to instruct himself. He had patience and initiative, and that great scholar, the new Dean, who had himself been student librarian for some years not so long before, gave him invaluable assistance. For quarter of a century the library had increased at the rate of about 125 volumes a year. A few booksellers had sent their new books to the School on approval, and individual volumes had been kept if a particular professor saw fit. There had been no other selecting, and no systematic buying whatever. Probably before 1874 not a single volume had been purchased for the School at auction. After a little more than a year's experience in his new office, Mr. Arnold began early in 1874 to follow auction sales carefully, attending many in his own person. He bid with wisdom and with courage—in many instances he foresaw the wants of the future and time after time bought to fill them at prices which now seem incredibly, almost fantastically low. As one who knows him well says, "He has picked up rare books for a song under the very nose of 'Plunger Smith'—being one of the very few men who have caught that Napoleon of the book trade napping." And Mr. Arnold read the catalogues of second-hand book dealers diligently through his whole forty years of service, and indeed after his retirement, aid for which his successor cannot express too much gratitude; he read and annotated Clarke's *Bibliotheca Legum* till he almost knew it by heart; he acquired what seemed like a veritable *flair* for precious books. Thrice he crossed the water in search of them, in 1888, in 1892 and again in 1898. By this time his knowledge of law books was very great, and the old London booksellers welcomed him. He would sit smoking and drinking tea with them in their little old shops, talking over the needs of his library and the possible contents of their heaps of apparent trash, and finding law books in quantities where lazy booksellers declared there were none. For sixpence he would acquire books like the *Registrum Brevium*, first edition, 1531, which Maitland excused himself for not citing in his "Pleas of the Crown for the County of Gloucester" by saying that he could not find it in any library to which he had access.

Because he had thus collected the Harvard Law Library himself, Mr. Arnold knew it from top to bottom. Where there were so many books, his knowledge was often amazing. Often when the cataloguers had reported a book as not in the collection, Mr. Arnold would insist that it was there and a further search would reveal it. He was always right. He so organized his work that his successor has only to carry on along the lines laid down by him.

Instructors at a law school come and play their part and go; librarians, too, are mortal; but libraries remain. And we may hope that for long centuries the Harvard Law Library will continue the monument that it now is to the great librarian who laid the foundations of whatever success it has had in the past or may have hereafter.

## OPEN FORUM

*Contributed articles and correspondence concerning law books, law libraries and the problems of law librarians*

### ABOUT BUYING LAW BOOKS

DR. G. E. WIRE

*Worcester County Law Library, Worcester, Mass.*

It may seem rather late in the day for the appearance of some remarks on this subject in the Law Library Journal, but I hope they will not be so late as to be of no good to some one. So far as I remember we have had no paper on this subject in our annual meetings and no discussion thereon. I may be mistaken and if so I welcome corrections—but make them as gentle as possible inasmuch as I have confessed in advance.

In the first place, in all due deference to my bookselling friends, and I have a few notwithstanding my record as a close, shrewd buyer, I may say, that, from a librarian's standpoint, selling law books to law libraries is entirely a distinct and different proposition from selling ordinary books to public libraries, with a possible exception of subscription books.

The librarian of most libraries of size, and the order clerk of the public library, buys on his knowledge, that of specialists in their line, and on recommendation of members of the staff, or on recommendation of readers. Even in medical and the very *latest* type "special libraries" so called, as I understand it, there is no such pressure from the publishers or their travelling men, as there obtains in law libraries. With no discourtesy to anyone, I may truthfully say that the number of trained librarians in law libraries is as yet small, and only this last June did our president, Mr. Hicks, make overtures to the library schools looking toward training of law librarians. Time was in this library, and is now in many law libraries, when the librarian depended entirely on the law bookman for all books and periodicals, bound and unbound. When I came here I found an admirable beginning of a collection of books—mind I write *collection*, not *selection* of books. I have been rounding up and working toward a *reasonable* completion ever since I have been here. Mind I do not say a *complete* collection—no such thing exists, the minute such a thing happens as a complete collection, so soon is the collection a dead one. The librarian had no means of knowing what was published or had been published, and even did not know how complete were the state reports—the law bookman had trained the librarian to that state of mind.

Discounts and prices, especially imports and price per shilling, were an unknown quantity to the law librarian. No other library depends on a travelling salesman for its book stock,—why should a law library. Why should a law library have standing orders with one agent, or more than one, to send in everything regardless of quality, quantity or price? I constantly find in case of the best travelling men, and we have only representatives of three firms on our list,

that this thing occurs. Agent comes in, pulls out, not a volume or sample pages, but a lot of announcements and says: "I don't know anything about this book; I only got this circular last night"—and expects you to buy the unknown quantity! The old law bookman at least had a bowing acquaintance with the book, not a circular. I keep on file circulars and notes of half a hundred books gleaned from publishers' announcements, notes of books from law periodicals, advertising pages of all law publications, and from weekly reading of Publishers' Weekly.

The book reviews in all of the law periodicals are of course worthless from buying end. We have the book ordered, received, catalogued and on our shelves, or in active circulation and sometimes a second edition before the review appears. Reviews are nearly all biased one way or another and more unreliable than otherwise as far as buying judgment of books is concerned.

I especially look out for what I call "odds and ends" of law—law books not published by any of the regular law book publishers, and of which the travelling men are absolutely and gloriously ignorant. Back of my desk as I write in the reading room is a collection of books on architecture and engineering contracts absolutely unknown to all the travelling men who call on me. If we relied on them for books on Finger Prints we should be wanting our collection of every book in the English language on that subject. Our banner book by Rai Sahib Hem Chandra Bose which came half round the globe from Thacker, Spink & Co., Calcutta and Simla, 1916, is of course out of their world entirely. These travelers do not know all the publications listed by their own house, as we learned lately when we showed one of them a circular from his house and he attempted to quote us terms on the work, which his house repudiated without notifying us, and shipped on the books hotfoot so as not to lose the mutilated, and amended by them, order. Our rule is no books on approval and we absolutely order each and every volume bought by us in some form or other. The specious plea is "order *all* your books from us and we will see that no duplicates are sent you!" Nothing was said about prices and discounts and importing books. One of my county library friends buys some of her English periodicals of one bookseller in this country and some of another bookseller in this country instead of bunching all such orders in the hands of an agent in this country who has his own clerks abroad. This library used to pay under this system \$2.50 for Whitaker's Almanack, which I could buy for 75c.

One or two experiences I had would not look well in print. I only *tell* them to people interested. If law librarians want to spend the library's money that way I cannot help it any more than I am doing now.

One of my directors as he approved a bill for a book on a popular legal subject was pained to see the price \$15.00. I told him that book was worth really not more than \$7.50. High prices have only within the past year hit law books, *after* labor, cloth, binding boards and other binding materials have begun to go down. It is up to us whether we will continue to pay these prices on a falling market.

*Discounts.* We should be entitled to substantial discounts but the tide is setting fast toward no discounts. General book trade as noted in Publishers Weekly is toward net books. One of my directors suggested not buying any books at all for a time. I told him if I could only influence all the law librarians that way, it



would be a good thing as far as text books are concerned, but we had to keep buying state reports, state session laws, reporters and law periodicals, regardless. Some concerted action along this line among us would no doubt help. If we were *all* to blacklist any *one* text book until the prices fell I think we would win out.

*Approval.* This, as intimated before, is absolutely forbidden in this library. See copy of our "Instructions to Agents" sent as a supplement to this paper. There is no sense in having books shipped in on you which you do not want. You are your own judge entirely of this practice.

*Importing.* This is just now a vital question by reason of the ascendancy in the money marts of the world of the American dollar. The State Law Libraries, the Massachusetts County Law Libraries and the Law School Libraries, being free and open to the public, are entitled to free importation of all books. Bar Associations not having free libraries, of course, have to pay duty. But right here let us emphatically learn that there is a great difference between 20c and 40c on the shilling as most of our importations are English books.

The English shilling used to be worth 24c of our money, say 25c roughly. A book published in London for 20 shillings would average here \$5.00 plus duty, importers' fees, ocean freight or postage, insurance, etc. The regular rate you were usually charged was 40c on a shilling, making the 20 shilling book cost you \$8.00 at least and probably \$10.00 as *that* was easier figuring—never mind your paying, that did not concern the bookman here. You could import that same book by a New York agent and pay duty on it at not over 30c a shilling—\$6.00.

How does the New York agent do this? Except in case of "strictly net" he gets a discount of one, two or three pence on the shilling in London. Three pence on a shilling is equal to 25% right here. Mind you, I am not saying he gets all this nowadays, but if he does you get the benefit, which is not the case when you order of a law book firm here. These U.S. book firms carry the order through their system of high priced men (who have to be told their business) and then send it to law bookmen in London and you have to pay the overhead, slow collection and bad debts, high salaries, etc. These do not enter into the calculations of the New York agent whose customers are libraries and universities whose bills are never discounted, and his clerks abroad are trained in German schools and thoroughly understand their business.

English first-hand books, like United States first-hand law books, have largely increased in price if not doubled, on account of "increased publishing cost." A book priced at 7/6 really not worth over 4-5 shillings we ordered direct from London by parcel post expecting to pay the bill direct by M. O. The book came direct O. K., but a letter saying the bill had been turned over to their agent in the U. S., one of our first class general publishers, and I knew what that meant. Their bill was at rate of 40c a shilling and I informed them that I was willing to pay at rate of 25c a shilling, and book finally cost us \$1.54. The book really not worth over 4 shillings at most, and before the war similar size volumes in standard series—2 shillings.

Just now there are at least two schemes on the market to fleece the American law libraries at rate of 40c a shilling. We are importing books as low as 20c a shilling at date of writing this article. Of course it would be indiscreet for me

to name any publishers or publications. I wanted a discussion on this at the Swampscott Conference but programme was so full I could see no place. One of these is not so bad, only a dollar a volume difference between English and New York price, but whether it is to be 20 or 40 volumes the English publishers do not say, and of course *that* would make a lot of difference. And I do not expect this advertised New York price will be adhered to for any length of time.

The following work is well known—Arnould, *Marine Insurance*, 10th edition, just out, 2 volumes published in London, £5 net—100 shillings at 20c a shilling—\$20.00—New York price \$30.00. Even if we had to pay as high as 25c a shilling that \$5.00 would help us out a lot, it would buy some five copies of the books I will write of later in this article.

These are all standard books:

Roscoe, <i>Criminal Evidence</i> , 14th ed.	£3 3/-	.....63 shillings
Williams, <i>Bankruptcy</i> , 12th ed.	£2 10/-	.....50 shillings
Williams, <i>Executors</i> , 2 v., 11th ed.	£5.....	100 shillings
Woodfall, <i>Landlord and Tenant</i> , 20th ed.	£2 15/-	55 shillings

Our copy of Vinogradoff, *Outlines of Historical Jurisprudence* v. 1—21 shillings, cost us \$4.20.

Now to pass to bookbuying—*Second-Hand, Auction and Remainders*.

Our rule for price on a second-hand book is a dollar off a volume for each year of publication. We date this back five years on same plan as we count all text books up to five years old as new books in this collection back of my desk in the reading room. A summer ago I bought two sets of books at a substantial reduction from 20% to 25%, by letting them go for a time and advertising for them in *Publishers Weekly*.

About two years ago I bought some two hundred dollars worth of books in three different sets at from 25% to 40% off publishers' prices. We are now waiting to buy two sets, one published at \$5.00 and one at \$7.00 a volume. We wait until they are completed and sets begin coming on the market and will get one for about one-half price, and that is really more than it is *worth*. The other being worth more we will pay more.

It makes no difference to us *who* the agent is, or *what* library or libraries have the book or books, we are a law unto ourselves, we are arbiters of our own accounts. We gamble on our chances, I am free to say, and so far have not suffered any appreciable losses.

As to auctions. Since our friend Mr. Libbie gave up the auction business, after more than 50 years of an honorable career as father and son, we have not bought at auction. In a few years at auction and second-hand, running from about 1905 to 1915, we built up the bulk of our session laws and our average price was from \$1.50 to \$2.00 a volume. We bought long runs of session laws at ten cents a volume, and it was the decreasing value of these which helped to ruin the auction business. Our outside price for compilations was \$15.00 a volume.

Do not be led astray by any extravagant demands for rare, valuable, etc. books. Very few law books are actually worth \$100.00 a volume, very few books that you or I would be called upon to produce in our libraries. And always remember that reprints are coming more and more to the front. The New Hamp-

shire Reprint has come down to 1828, \$5.00 a volume, and has absolutely broken the market for New Hampshire session laws down to that date.

A few words about "Remainders" both United States and English. They are just what they profess to be—remainders of editions, perfectly fresh and new books. Owing to the condition of English book publishing they have more remainders than our American publishers have. They are perfectly new, fresh and clean, at prices from one-half to one-quarter original price.

Some of our American publishers, notably two, also unload their slow-sellers in standard literature after two years or more from date of publication. We are buying the works of our late Presidents, Roosevelt, Taft and Wilson, this way, and many popular United States books on legal topics. English books are mostly biography or legal history. We will buy this summer nearly two dozen English books of this class costing us not over a dollar a volume, less than one-half price.

I have only touched on the main topics of book buying—I should be glad to hear from any one on this subject, and if it seems desirable should like to write somewhat on gifts, duplicates, pamphlets, etc., in a later issue of the *Journal*.

To-day, November 14, 1921, as I am sending this article on to the *Law Library Journal* after it has been seasoning some three and a half months, comes a bill from our New York agent, a copy of which, to add emphasis and furnish an illustration to my remarks on importing, is appended. Our highest rate, it will be seen, is 22c, and most of these books, remainders and new books, came in at 20c a shilling. Advance parts of Patent Reports are somewhat higher.

Cook on Insanity is listed in P. W. Nov. 12, 1921, page 1669 by Dutton at \$4.00!

Evans. Criminal Prosecution . . . of Animals, 3/9 @ 20c . . . . .	\$0.75
Trial of Adelaide Bartlett, 6/6 @ 20c . . . . .	1.30
Russell. The Making of the Criminal, 9/- @ 22c . . . . .	1.98
Wrottesley. Examination of Witnesses, 6/- @ 20c . . . . .	1.20
Lucas. Forensic Chemistry, 15/- @ 20c . . . . .	3.00
Cook. Insanity and Mental Deficiency, 10/6 @ 20c . . . . .	2.10
Butterworth's Workmen's Compensation Cases, v. 14, parts 2, 3.. due	
Reports of Patent . . . Cases v. 38, pts. 1-10, net. . . . .	3.00
Postage and Insurance . . . . .	.18

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\$13.51

### APPENDIX

#### WORCESTER COUNTY LAW LIBRARY

Worcester, Mass., U. S. A.

#### INSTRUCTIONS TO AGENTS

The corporate name of this library is the Worcester County Law Library Association. The association is really a trustee for the library which is county property, supported by the county, and listed among its assets. It is housed in the Worcester County Court House, Lincoln Square, Worcester, Massachusetts,

and the postal address is Station A. This is a free public law library established and maintained in accordance with Massachusetts General Laws 1921, Chapter 78, Section 4, and as such free public library is entitled to free importation of books into the United States from foreign countries. See also United States Treasury Decisions 22079. All books should be billed and shipped direct to this library by any of the express or freight lines, or may be sent by parcel post. Whenever possible we prefer shipment to be made book rate prepaid and the amount prepaid added to the bill. Parcels up to 50 pounds may be sent by express or parcel post inside a 500 mile radius, outside that all orders over 50 pounds are expected to be sent by express, and all parcels of 100 pounds and upward must be sent by freight.

All bills should be in our hands by the 25th of the month, allowing us time for audit by the library, and signature of the bills by each of our three directors, also time for our treasurer to make out and sign his checks before the 1st of each month. Monthly statements from agents usually reach us after the bills and checks have been sent out by us and are a needless expenditure of money, time and labor. In some cases for some unforeseen reason we may have more bills than we can pay from our monthly allowance and we may have to hold over a bill. In such cases we always notify the party and give them the reason for holding over the bill until the first of the next month.

In no case will we allow drafts on our account and any such action we shall have to regard as an imputation on our honesty and reflection on our credit. The credit of this library has been unimpeached for over 75 years, and we intend to preserve it intact, and in no case do we buy or order books without reasonable grounds for payment of the bill.

These bills when sent out bear the audit of the library and signatures of the directors, and subsequently must appear before the Massachusetts State Auditor as vouchers for all money granted to and spent by the library. Consequently we impress on our agents the immediate return of the identical receipted bill as a matter of courtesy to us. Loss of the bill means that we have to make out a fresh bill, audit it, and secure the signatures of our directors all over again before it can be used as a voucher. A mere receipt will not do nor will the endorsed check be sufficient. We need the original receipted bill to clear up our accounts and are entitled to it. To make this return easier we enclose a self addressed and stamped envelope so that the bill may be immediately returned on its being receipted.

We prefer some form of cloth to any sheep or calf binding on completed books or works which come bound. Continuations and serials we prefer to receive in parts or numbers and thus have the first use of them before binding. All second-hand books whether volume or parts should be sent on without binding or rebinding. In the case of all first-hand and in print books we expect all deficiencies to be made good by the publisher of the work. Auction and second-hand books we buy subject to usage and rules of such trade.

Where books, cases and reports are in parts, and periodicals appear in numbers, our agents are expected to use all possible diligence in securing for us such cases, reports and periodicals in parts and numbers, and to transmit them to us as expeditiously as possible without further orders. All such matters we desire



to be sent flat, unfolded and unrolled, so as to be in best possible shape for reading and subsequent binding.

In case of new editions in prospect, of which we may not know when sending the order, we expect the order to be held and we to be notified of that fact giving us the alternative of accepting the older edition now in stock, or of waiting for the promised new edition.

All our books and serials are ordered direct by us in writing and are to be supplied on such orders. Under no circumstances do we buy books on approval and all such books are immediately returned at the expense of the sender. Careful observation of this rule will obviate much annoyance and expense on both the part of the agent and the library.

We endeavor to be accurate in our orders and explicit in our directions and we recognize the liability to mistakes on both sides. Consequently we bespeak courtesy and kindness in the rectification of such mistakes on our part, and promise a similar courtesy regarding mistakes on the part of our agents.

The relations of this library for over three quarters of a century with law book publishers and book sellers have been such as to warrant the assumption that they will continue to be courteous, dignified, and honorable.

WORCESTER COUNTY LAW LIBRARY.

Worcester, July 1, 1921.

## NOTICE

The annual conference of the American Association of Law Libraries for 1922 will be held, as usual, in conjunction with the annual meeting of the A. L. A.

The dates are June 26th to July 1st inclusive, and the place is Detroit, Michigan, with headquarters at the Hotel Statler.

The committee in charge hopes to present an interesting and instructive program. More detailed information will be given in the next issue of the Law Library Journal and the A. L. A. Bulletin.

Suggestions for the program will be welcomed by the President.

Important business matters will come up for solution and a full attendance is desired. It is especially urged that members give serious consideration to the problems that have arisen with regard to the publication of the Index to Legal Periodicals as outlined by the committee on the Index, particularly on pp. 79-80 of the October issue of the Journal; and that such committee may have the helpful cooperation of the members in attempting to solve such difficulties. The future welfare of the association is largely dependent upon their correct solution.

GILSON G. GLASIER,  
*President.*

# AMERICAN STATE REPORTS AND SESSION LAWS EXCLUSIVE OF SIDE REPORTS

*Revised to January 1, 1922*

Publication	Dates of regular sessions	Source	Latest vol. to appear
<b>Alabama</b>			
Reports .....	...	Secretary of State.....	205
App. Reports .....	...	Secretary of State.....	16
Session laws .....	Quadrennial 1911, 1915, etc.	Secretary of State.....	1919 reg. & 1920 spec.
<b>Alaska</b>			
Reports .....	...	West Publ. Co., St. Paul, Minn.....	5
Session laws .....	Odd years	Secretary of Territory.....	1919
<b>Arizona</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco	21
Session laws .....	Odd years	State Librarian .....	1921
<b>Arkansas</b>			
Reports .....	...	By the State.....	147
Session laws .....	Odd years	Secretary of State.....	1921 2 v.
<b>California</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco	183
App. Rep. ....	...	Bancroft, Whitney & Co., San Francisco	41
Adv. parts for both sets	...	Bancroft, Whitney & Co., San Francisco	
Session laws .....	Odd years	Secretary of State.....	1921
<b>Colorado</b>			
Reports .....	...	Callaghan & Co., Chicago.....	69
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<b>Connecticut</b>			
Reports .....	...	Banks L. P. Co., N. Y. City.....	95
Advance parts .....	...	Banks L. P. Co., N. Y. City.	
Session laws .....	Odd years	State Librarian .....	1921
<b>Delaware</b>			
Reports .....	...	State Librarian .....	30
Chancery Reports ....	...	State Librarian .....	11
Session laws .....	Odd years	Secretary of State.....	1921
<b>District of Columbia</b>			
Appeals .....	...	Lawyers Co-op. Pub. Co., Rochester, N. Y.	50
Code .....			1919
<b>Florida</b>			
Reports .....	...	G. T. Whitfield, Clerk Supreme Ct..	79
Session laws .....	Odd years	Secretary of State.....	1921 v. I
<b>Georgia</b>			
Reports .....	...	State Librarian .....	150
App. Rep. ....	...	State Librarian .....	25
Session laws .....	Annual	State Librarian .....	1921
<b>Hawaii</b>			
Reports .....	...	Jas. A. Thompson, Clerk Supreme Ct.	25
Advance parts .....	...	Jas. A. Thompson, Clerk Supreme Ct.	
Session laws .....	Odd years	Secretary of Territory.....	1921
<b>Idaho</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco	33
Session laws .....	Odd years	Secretary of State.....	1921

Publication	Dates of regular sessions	Source	Latest vol. to appear
<b>Illinois</b>			
Reports .....	...	Callaghan & Co., Chicago.....	298
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<b>Iowa</b>			
Reports .....	...	Keefe-Davidson Co., St. Paul.....	188
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<b>Kansas</b>			
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Session laws .....	Odd years	Secretary of State .....	1921
<b>Kentucky</b>			
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Session laws .....	Even years	State Librarian .....	1920
<b>Louisiana</b>			
Reports .....	...	State Librarian .....	148
Session laws .....	Even years	Secretary of State.....	1920
<b>Maine</b>			
Reports .....	...	State Librarian .....	119
Session laws .....	Odd years	State Librarian .....	1921
<b>Maryland</b>			
Reports .....	...	King Bros., Baltimore.....	137
Advance parts .....	...	King Bros., Baltimore	
Session laws .....	Even years	State Librarian .....	1920
<b>Massachusetts</b>			
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Session laws .....	Annual	State Librarian .....	1921
<b>Michigan</b>			
Reports .....	...	Callaghan & Co., Chicago.....	212
Session laws .....	Odd years	State Librarian .....	1921 reg. & ex.
<b>Minnesota</b>			
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Advance parts .....	...	Keefe-Davidson Co., Minneapolis	
Session laws .....	Odd years	Secretary of State.....	1921
<b>Mississippi</b>			
Reports .....	...	E. W. Stephens Publ. Co., Columbia, Mo.	125
Session laws .....	Even years	Secretary of State.....	1920
<b>Missouri</b>			
Reports .....	...	F. H. Thomas Law Book Co., St. Louis	283
App. Reports .....	...	F. H. Thomas Law Book Co., St. Louis	206
Session laws .....	Odd years	Secretary of State.....	1921 reg. & ex.
<b>Montana</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco	59
Session laws .....	Odd years	State Law Librarian.....	1921 reg. & ex.
<b>Nebraska</b>			
Reports .....	...	H. C. Lindsay, State Librarian.....	104
Session laws .....	Odd years	H. C. Lindsay, State Librarian.....	1921
<b>Nevada</b>			
Reports .....	...	Secretary of State.....	43
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<b>New Hampshire</b>			
Reports .....	...	John H. Riedell, Manchester, N. H...	78
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Session laws .....	Odd years	Edson C. Eastman, Concord, N. H...	1921
<b>New Jersey</b>			
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<b>New Mexico</b>			
Reports .....	...	State Librarian .....	25
Session laws .....	Odd years	Secretary of State.....	1921
<b>New York</b>			
Reports .....	...	J. B. Lyon Co., Albany.....	230
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Advance parts covering all the above.	...	J. B. Lyon Co., Albany	
<b>North Carolina</b>			
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<b>North Dakota</b>			
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Session laws .....	Odd years	Secretary of State.....	1921
<b>Ohio</b>			
Reports .....	...	W. H. Anderson Co., Cincinnati....	101
App. Reports .....	...	W. H. Anderson Co., Cincinnati....	13
Session laws .....	Odd years	Secretary of State.....	1921
<b>Oklahoma</b>			
Reports .....	...	State Librarian .....	80
Criminal Reports .....	...	State Librarian .....	16
Session laws .....	Odd years	Secretary of State.....	1921 reg. & ex.
<b>Oregon</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco	99
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<b>Pennsylvania</b>			
State Reports .....	...	Geo. T. Bisel & Co., Philadelphia...	269
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District Reports with advance parts, including advance parts in the first two series	...	Legal Intelligencer, Philadelphia....	29
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<b>Philippines</b>			
Reports .....	...	Bureau Insular Affairs, Washington, D. C.	40
Session laws .....	Annual	Bureau Insular Affairs, Washington, D. C.	1920
<b>Porto Rico</b>			
Reports .....	...	Bureau Insular Affairs, Washington, D. C.	28
Session laws .....	Annual	Bureau Insular Affairs, Washington, D. C.	1921
<b>Rhode Island</b>			
Reports .....	...	State Librarian .....	42
Acts and Resolves....	Annual	State Librarian .....	1920
Public laws.....	...	.....	1921
<b>South Carolina</b>			
Reports .....	...	R. L. Bryan, Columbia, S. C.....	114
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Session laws .....	Annual	Secretary of State.....	1921
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<b>Tennessee</b>			
Reports .....	...	E. W. Stephens Pub. Co., Columbia, Mo. ....	143
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<b>Texas</b>			
Reports .....	...	Southern L. Book Publishers, Austin, Tex. ....	110
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Criminal Reports ....	...	Southern L. Book Publishers, Austin, Tex. ....	89
Session laws .....	Odd years	Secretary of State.....	1921 2v.
<b>Utah</b>			
Reports .....	...	Callaghan & Co., Chicago.....	55
Session laws .....	Odd years	The Kelly Co., Salt Lake City.....	1921
<b>Vermont</b>			
Reports .....	...	State Librarian .....	93
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Session laws .....	Odd years	State Librarian .....	1921
<b>Virginia</b>			
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Session laws .....	Even years	Secy. of Commonwealth.....	1920
<b>Washington</b>			
Reports .....	...	Bancroft, Whitney & Co., San Francisco .....	112
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<b>West Virginia</b>			
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